

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-against- :
:
MARC LAWRENCE, :
:
Defendant. :
:
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**ORDER DENYING
RENEWED MOTION FOR
COMPASSIONATE RELEASE**

19 Cr. 437 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant Marc Lawrence, who is currently serving a 55-month sentence for securities fraud and wire fraud, renews his motion for compassionate release due to his medical care at Federal Correctional Institution Coleman Low (“Coleman”). Lawrence’s motion argues that his medical conditions and treatment are so compelling and extraordinary as to counsel in favor of a sentence reduction, and that the sentencing factors in 18 U.S.C. § 3553(a) counsel in favor of a sentence reduction. For the reasons identified below, Lawrence’s motion is denied.

On September 1, 2022, I denied Lawrence’s first motion for compassionate release, explaining that he neither established extraordinary and compelling circumstances warranting early release, nor did the Section 3553(a) factors warrant early release. *See ECF No. 178.* On June 27, 2023, Lawrence filed the instant motion, citing ongoing concerns with his medical care. *See ECF No. 185.*

First, Lawrence’s second motion includes additional allegations surrounding the same events I addressed in denying his first motion – Coleman staff’s “unwillingness or inability to provide a minimally acceptable level of care” towards his pre-existing conditions. *See ECF Nos. 170 at 3–4 and 185 at 3.* The new characterization of those same events does

not transform Lawrence's treatment into an extraordinary and compelling reason to modify his sentence.

Second, as the government's detailed cross-reference of Lawrence's new facts and his sealed medical records submitted show, Lawrence's medical records reflect care of sufficient quality. *See* ECF No. 189 at 6–8. Lawrence has not demonstrated that Coleman's personnel is not or cannot adequately address Lawrence's significant health issues. Lawrence's health conditions, although significant, and Coleman's medical treatment thereof, although less than Lawrence would like, do not present extraordinary or compelling reasons warranting a sentence reduction under § 3582(c)(1)(A).

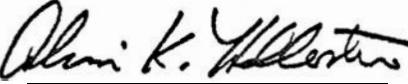
Even if Lawrence had established extraordinary and compelling reasons, they would still not outweigh the Section 3553(a) factors that I previously considered. The nature of Lawrence's crime and the need for deterrence continue to weigh against a reduction of his sentence. *See United States v. Petersen*, No. 3:16-CR-109 (SRU), 2021 WL 217425, at *5 (D. Conn. Jan. 21, 2021) (“Nothing has changed with respect to my consideration of the section 3553(a) factors”).

Lawrence's age and health, including the conditions of which he expresses concern, were taken into consideration when Lawrence was given a below-guidelines sentence, sufficient but not greater than necessary to comply with Section 3553(a)'s objectives. *See* ECF No. 178 at 8. Accordingly, Lawrence's motion is denied.

The Clerk is directed to close the open motion, ECF No. 185.

SO ORDERED.

Dated: August 25, 2023
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge